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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,512	11/26/2003	Sumitake Kobayashi	1734.1001CIP	6099

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EXAMINER	
NGUYEN, HAI V	
ART UNIT	**PAPER NUMBER**
2142	
MAIL DATE	**DELIVERY MODE**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,512	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *14-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/08/07; 11/26/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 March 2007 has been entered.

2. This Office Action is in response to the communication received on 02 March 2007.

3. Claims 1-13, 25 were cancelled.

4. Claims 14-24 are presented for examination.

Information Disclosure Statement

5. The information disclosure statement filed 26 November 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the reference of "English Translation of Office Action mailed by German patent Office September 25, 2003" listed in Other references section does not have a copy in the USPTO record. It has been placed in the application file, but the reference referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement,

including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "a plurality of functions; a plurality of request processing units; an assigning unit; an assignment canceling unit; an information recorder" in claims 14, 24, and of "a utilizing situation recorder; a utilizing situation information transmitter; a destruction detecting unit; a utilizing situation information managing unit" in claims 18-20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 14-20, 23, 24 are rejected under 35 U.S.C. 101 because the claims 14, 18-20, 24 recite the server comprising the elements of "a plurality of functions; a plurality of request processing units; an assigning unit; an assignment canceling unit; an information recorder" in claims 14, 24, and of "a utilizing situation recorder; a utilizing situation information transmitter; a destruction detecting unit; a utilizing situation information managing unit" in claims 18-20, which when read in light of specification amounts to nothing more than computer software void of computer readable medium. See MPEP 2106(IV)(B)(1).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 14-24 are rejected under 35 U.S.C. 103(a) as obvious over **Yoshida** et al. U.S. patent **# 6,130,757** in view of **Niwa** et al. US patent **# 6,594,737 B2.**

11. As to claim 14, Yoshida discloses a copy machine acting *as a* server comprising:

a plurality of functions *(Fig. 1, applications, e.g., copying, printing, scanning, facsimile transmission functions/jobs in copy machines 1, 4, 6)* that perform processing to a document *(Fig. 1, copy machines 1, 4, and 6 as server apparatuses providing those functions to execute those print jobs or facsimile transmission jobs requested by other apparatuses, col. 4, line30-35; col. 8, lines 61-67)*;

a plurality of request processing units *(copy machines 1, 4, or 6 as a server apparatus having CPUs to process the job requests from other client apparatuses according an instruction by the user)* that communicate with any of the plurality of functions, and cause one of the plurality of functions to perform the document processing according to a function request *(a job request from the user or the operator) (col. 2, lines 35-59; col. 4, line30-35; col. 15, lines 21-33; col. 16, lines 36- 40)*;

an assigning unit *(the server apparatus comprising CPU 103 functions as a job management unit for managing job requested by the plurality of client apparatuses by a assigning priorities to the jobs each time a job is requested, col. 3, lines 2-7; col. 9, line 66-67)* that assigns one of the request processing units to a multifunction machine based on a connection request for the function request from the multifunction machine *(Fig. 16 showing the user or the operator can select another apparatus to connect to for job request from the client apparatus, col. 10, line 50 – col. 11, line 7; col. 17, lines 24-44)*, and sends a completion-of-assignment notification to the multifunction machine indicating that processing of the function request is possible *(col. 10, line 50 – col. 11, line 7)*;

an assignment canceling *(replacing)* unit that cancels the assignment of the one request processing unit to the multifunction machine when a command of the requested function is not received from the assigned multifunction machine within a predetermined amount of time *(Beside the server apparatus comprising a job management unit, the server apparatus comprising a job controlling unit for replacing a job having the highest priority after a certain intervals and jobs to be executed change based on the priority, col. 3, lines 2-17; col. 11, lines 1-28)*.

an information recorder *(Fig. 20, client job management table JT(b))* that has multifunction connection information indicative of whether the multifunction machine is acceptable to be in an operable state in linkage with the server, wherein the connection request from the multifunction machine is assigned to the one request processing unit in the assigning based on the multifunction connection information *(Yoshida, col. 15, line 9 - col. 16, line 47)*.

However, Yoshida does not explicitly disclose a separate location of the server from the multi-function machines on the network.

Niwa discloses a separate server from the peripheral device(s) to control the functioning of a device of the peripheral by executing the selected programs in the peripheral *(Fig. 6, Abstract, col. 1, lines 35-49)*.

It would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Yoshida's teachings of the functions executed on a copy machine acting as the server apparatus on the network *(Yoshida, Fig. 1)* with the teachings of Niwa, for the purpose of allowing the expansion of the

functions that can be cheaply and efficiently executed without connecting any external apparatus (Niwa, col. 1, lines 45-49).

12. As to claim 15, Yoshida-Niwa discloses, wherein the completion-of-assignment notification has information of the function, and the function is processable by the server *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67)*.

13. As to claim 16, Yoshida-Niwa discloses, wherein the function is a fax that faxes image data *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67)*; and

wherein the request processing unit controls the fax and sends the image data received from the multifunction machine when the request processing unit receives from the multifunction machine a fax command as the function command to fax the image data *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67; col. 14, line 55 – col. 15, line 25)*.

14. As to claim 17, Yoshida-Niwa discloses wherein the function is a recorder that records image data; wherein the request processing unit records the image data received from the multifunction machine on the recorder when the request processing unit receives from the multifunction machine a record command as the function command to record the image data *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67; col. 14, line 55 – col. 15, line 25)*.

15. As to claim 18, Yoshida-Niwa discloses a utilizing situation recorder that records utilizing situation information received from the plurality of multifunction machines, the

utilizing situation information being information how often each of the multifunction machines is used; and a utilizing situation information transmitter that transmits, when any one of nodes on the network makes a request for transmitting the utilizing situation information, the utilizing situation information back to said node having transmitted a transmission request *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67; col. 14, line 55 – col. 15, line 25)*.

16. As to claim 19, Yoshida-Niwa discloses wherein the utilizing situation information transmitter transmits the utilizing situation information to the network nodes in accordance with a predetermined schedule *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67; col. 14, line 55 – col. 15, line 25)*.

17. As to claim 20, Yoshida-Niwa discloses a destruction detecting unit that detects a destruction of the information recorded on the utilizing situation recorder; a utilizing situation information managing unit that requests each of the multifunction machines to transmit the utilizing situation information when the destruction detecting unit detects the destruction, and again records the transmitted utilizing situation information on the utilizing situation recorder *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67; col. 14, line 55 – col. 15, line 25)*.

18. Claim 21 corresponds to the computer readable medium claim of claim 14; therefore, it is rejected under the same rationale as in claim 14.

19. Claim 22 corresponds the method claim of claim 14; therefore, it is rejected under the same rationale as in claim 14.

20. As to claim 23, Yoshida-Niwa discloses, wherein the server has information of each of the multifunction machines, and the information has at least one of a status of the multifunction machine, a type of executable job, an address on the network, user information and a type of connection *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67; col. 14, line 55 – col. 15, line 25)*.

21. As to claim 24, Yoshida-Niwa discloses identical limitations of claim 1 except for the limitation of "wherein the server has at least one of option information, multifunction machine connection information, non-self system linkage information, and intra self-system registration address information, the option information is information of any of the plurality of functions executable by the server, the multifunction machine, and the non-self system linkage information is used when the server accesses another system on the network, and the intra self-system registration address information is used when the server accesses intra self-system *(Yoshida, Figs. 11-17, 20; col. 2, line 22 - col. 3, line 17; col. 8, line 55 – col. 10, line 67; col. 14, line 55 – col. 15, line 25)*.

22. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER